

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

JOSHUA CLAY MCCOY, et al.,

Plaintiffs-Appellees,

v.

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES, et al.,

Defendants-Appellants.

No. 23-2085

**APPELLANTS' UNOPPOSED MOTION TO MODIFY THE
BRIEFING SCHEDULE**

Pursuant to Local Rule 31(c), the government respectfully moves to modify the briefing schedule in the manner set forth below. This motion is unopposed.

1. This case involves a Second Amendment challenge to the federal statute prohibiting federal firearms licensees from selling handguns to 18-to-20-year-olds. After the district court held the statute unconstitutional, the government appealed. Under the current briefing schedule, the government's opening brief and the joint appendix are due on December 11, 2023.

2. The government respectfully requests that this deadline be extended by 11 days, such that the government's brief and the joint appendix are due on December 22, 2023. The government has not previously sought an extension of the deadline.

3. The requested extension is necessary in light of other deadlines faced by government counsel. Steven Hazel has principal responsibility for preparing the government's brief in this case. Mr. Hazel also has principal responsibility for preparing the government's briefs in *Johnson v. Becerra*, No. 23-5128 (D.C. Cir.) (response brief due on November 22, 2023), *AHRI v. DOE*, No. 23-1793 (4th Cir.) (response brief due on December 20, 2023), and for presenting oral argument in *Reese v. ATF*, No. 23-30033 (5th Cir.) (argument set for November 6, 2023).

4. Mark Stern has supervisory responsibility for the government's brief in this case. Mr. Stern also has supervisory responsibility for the following matters with upcoming deadlines: *St. of Georgia v. DOJ*, No. 23-5083 (D.C. Cir.) (reply brief currently due on November 13, 2023, but the government intends to seek a seven-day extension); *United States v. King County*, No. 23-35362 (9th Cir.) (response brief due on November

29, 2023); *Walmsley v. FTC*, No. 23-2687 (8th Cir.) (response brief due on December 13, 2023).

5. Elliott Harding, counsel for plaintiffs, has informed the undersigned that plaintiffs do not oppose this proposed change to the briefing schedule.

Respectfully submitted,

MARK B. STERN

s/ Steven H. Hazel
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November 2023

CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2023, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Steven H. Hazel

Steven H. Hazel

CERTIFICATE OF SERVICE

I certify that this motion to modify the briefing schedule, filed on November 2, 2023, complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d), because it contains 313 words according to the count of Microsoft Word and is printed in Century Schoolbook 14-point font.

s/ Steven H. Hazel
STEVEN H. HAZEL